

47. Any and all documents concerning any and all communications between Harley Davidson, Inc. and Defendant with regard to the Harley Davidson Ultra Electra Glide Classic model years 1999-2009.

RESPONSE: GDTNA objects to this request as follows: GDTNA is not in possession of any documents responsive to this request.

- (1) GDTNA objects that this request seeks information that is confidential, proprietary and/or constitutes trade secret.
- (2) GDTNA also objects to this request as unduly burdensome and overly broad in scope and time in that Plaintiffs failed to identify a relevant date range.
- (3) This request also calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information about motorcycles that are not the subject of this litigation.
- (4) GDTNA also objects to the extent that the request seeks information, documents, or materials protected by the joint defense privilege, attorney-client privilege, the attorney work product doctrine, the consulting expert privilege, the exemption protecting communications passing between agents of a party conducting an investigation in connection with litigation and/or the exemption protecting materials prepared in anticipation of litigation.

48. Any and all documents concerning any and all communications between Harley Davidson, Inc. and Defendant with regard to tire model numbers MT90B16 and MU85B16, as well as tire in question and similar model tires.

RESPONSE: GDTNA objects to this request as follows:

- (1) GDTNA objects that this request seeks information that is confidential, proprietary and/or constitutes trade secret.
- (2) GDTNA also objects to this request as unduly burdensome and overly broad in scope and time in that Plaintiffs failed to identify a relevant date range, and due to Plaintiffs' failure to narrow their request for information to the defects alleged to be present in the subject tire, as presented by Plaintiffs' expert.
- (3) This request also calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information about tires without having established that they are substantially similar to tire at issue in this lawsuit. The only tire that is relevant to this case is the HD Dunlop D402, MT90B16 74H, SKU 30 19 91.
- (4) GDTNA also objects to the extent that the request seeks information, documents, or materials protected by the joint defense privilege, attorney-client privilege, the

attorney work product doctrine, the consulting expert privilege, the exemption protecting communications passing between agents of a party conducting an investigation in connection with litigation and/or the exemption protecting materials prepared in anticipation of litigation.

49. Any and all documents concerning the change from tire model MT90B16 to tire model MU85B16 as well as the tire in question and similar model tires on Harley Davidson Ultra Electra Glide Classic models.

RESPONSE: There was no “change” from the MT90B16 to the MU85B16. The MT90B16 is still in production, and never ceased production at any time. Rather, the MU85B16 and MT90B16 are different and distinct tires.

- (1) GDTNA objects that this request seeks information that is confidential, proprietary and/or constitutes trade secret.
- (2) GDTNA also objects to this request as unduly burdensome and overly broad in scope and time in that Plaintiffs failed to identify a relevant date range, and due to Plaintiffs’ failure to narrow their request for information to the defects alleged to be present in the subject tire, as presented by Plaintiffs’ expert.
- (3) This request also calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information about tires without having established that they are substantially similar to tire at issue in this lawsuit. The only tire that is relevant to this case is the HD Dunlop D402, MT90B16 74H, SKU 30 19 91.
- (4) GDTNA also objects to the extent that the request seeks information, documents, or materials protected by the joint defense privilege, attorney-client privilege, the attorney work product doctrine, the consulting expert privilege, the exemption protecting communications passing between agents of a party conducting an investigation in connection with litigation and/or the exemption protecting materials prepared in anticipation of litigation.

50. Any and all documents including but not limited to marketing information, research studies and empirical data, concerning the characteristics of operators and passengers of the Harley Davidson Ultra Electra Glide Classic and similar models, including but not limited to sex and weight of operators.

RESPONSE: Subject to the following objections, GDTNA denies that it is in possession of any documents responsive to this request. However, Pursuant to the Agreed Confidentiality Protective Order, GDTNA will produce information that was obtained at motorcycle rallies.

- (1) GDTNA objects that this request seeks information that is confidential and proprietary.
- (2) GDTNA also objects to this request as unduly burdensome and overly broad in scope and time in that Plaintiffs failed to identify a relevant date range.
- (3) This request also calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information about tires without having established that they are substantially similar to tire at issue in this lawsuit. The only tire that is relevant to this case is the HD Dunlop D402, MT90B16 74H, SKU 30 19 91.

51. Any and all documents including but not limited to marketing information, research studies and empirical data, concerning load capacities that its tires are being subjected to by members of the motorcycling public.

RESPONSE: Subject to the following objections: GDTNA denies that it is in possession of any documents responsive to this request. However, subject to the Agreed Confidentiality Protective Order, GDTNA will produce information that was obtained at motorcycle rallies.

- (1) GDTNA objects that this request seeks information that is confidential and proprietary.
- (2) GDTNA also objects to this request as unduly burdensome and overly broad in scope and time in that Plaintiffs failed to identify a relevant date range.
- (3) This request also calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information about tires without having established that they are substantially similar to tire at issue in this lawsuit. The only tire that is relevant to this case is the HD Dunlop D402, MT90B16 74H, SKU 30 19 91.

52. Any and all documents including but not limited to marketing information, research studies and empirical data, concerning the options produced and/or marketed by Harley Davidson for use with the Harley Davidson Ultra Electra Glide Classic and similar models including but not limited to accessories, saddlebags, seats and luggage containers.

RESPONSE: GDTNA objects to this request as follows: GDTNA is not in possession of any documents responsive to this request.

- (1) GDTNA objects to this request as overly broad in scope and time and unduly burdensome in that Plaintiffs failed to identify a relevant date range.
- (2) GDTNA also objects in that it calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, both in general and as it seeks information about motorcycles and motorcycle models not included in the subject incident.

53. Any and all documents concerning any and all communications between Harley Davidson, Inc. and Defendant regarding load capacity safety margins and weight distribution involving tires for the Harley Davidson Ultra Electra Glide Classic, model years 1999–2009.

RESPONSE: GDTNA objects to this request as being vague and ambiguous as to the phrase “safety margins,” which is undefined in Plaintiffs’ discovery.

- (1) GDTNA objects that this request seeks information that is confidential, proprietary and/or constitutes trade secret.
- (2) GDTNA also objects to this request as unduly burdensome and overly broad in scope and time in that Plaintiffs failed to identify a relevant date range.
- (3) This request also calls for information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in that it seeks information about tires without having established that they are substantially similar to tire at issue in this lawsuit. The only tire that is relevant to this case is the HD Dunlop D402, MT90B16 74H, SKU 30 19 91.
- (4) GDTNA also objects to the extent that the request seeks information, documents, or materials protected by the joint defense privilege, attorney-client privilege, the attorney work product doctrine, the consulting expert privilege, the exemption protecting communications passing between agents of a party conducting an investigation in connection with litigation and/or the exemption protecting materials prepared in anticipation of litigation.

54. Any and all documents and/or information that Defendant’s motorcycle tires are run under-inflated and/or over-loaded by motorcycling public.

RESPONSE: Subject to the following objections: GDTNA is not in possession of any documents responsive to this request as phrased. However, pursuant to the Agreed